



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CITY VIEW PLAZA II BUILDING, 7<sup>TH</sup> FLOOR  
ROUTE 165 GUAYNABO, PUERTO RICO 00968

July 28, 2020

**Via Electronic Mail To:** myrna@saviapr.com

**Docket No.** F-02-2020-5036

Ms. Myrna Reyes  
BACARA NOREGA LABS  
Ave. San Marcos Edif Anexo 2  
El Comandante Industrial Park  
Carolina, Puerto Rico 00982

**Re: NOTICE OF REFUSAL OF ADMISSION**  
**Import of Unregistered Pesticides, Entry No. 9JD-0005880-5**

Dear Ms. Reyes:

In connection with the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA" or the "Act"), as amended, 7 U.S.C. § 136 *et seq.*, the United States Environmental Protection Agency ("EPA") has examined evidence concerning the shipment described below:

**Product Names:** Love of dream, Antibacterial wipes- efficient sterilization and health care

**Importer:** BACARA NOREGA LABS

**Entry Number:** 9JD-0005880-5

**Bill Number:** HLCUTA12003BBLD7

**Arrival Date:** 06/01/2020

**Entry File Date:** 06/12/2020

**Port of Entry:** 4909, San Juan/Puerto Rico

**Units:** 280 packs/carton antibacterial wipes (10pcs/pack-120400pcs); 40 packs/carton antibacterial wipes(50pcs/pack-28000pcs)

You were previously notified via a Notice of Detention and Hearing, dated June 26, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, you were told that the products' labels bear pesticidal claims which make them subject to registration pursuant to Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), to be lawfully distributed in the United States (US). None of the products in the shipment are registered pesticides. The June 26, 2020 Notice afforded you an opportunity to explain why the shipment should not be destroyed or refused entry.

No material demonstrating that the product in the shipment is in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on July 6, 2020, you sent a statement via email to Lizette Lugo of my staff in which you claimed you were unaware of the need to comply with FIFRA.

The product label describes it as “antibacterial wipes-efficient sterilization and health care” intended for “cleaning of object surface and skin.” Said statements make the product an “antimicrobial pesticide” within the meaning of Section 2(mm) of FIFRA, 7 U.S.C. § 136(mm).<sup>1</sup> Your product therefore requires registration pursuant to Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), to be lawfully distributed and sold in the United States.

Since no material demonstrating that the shipped products are registered under FIFRA § 3(a), 7 U.S.C. § 136a(a) has been submitted, the shipment’s distribution into the U.S. was in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), and it must be refused admission. EPA therefore hereby notifies you that your merchandise has been refused admission. You must export or dispose of this merchandise, under supervision of the U.S. Customs and Border Protection (“CBP”) within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that EPA receives the information it needs to timely confirm your company’s compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of unregistered products into the United States.

If you have any questions, please contact Lizette Lugo at (787)977-5833, or [lugo.lizette@epa.gov](mailto:lugo.lizette@epa.gov).

Sincerely,

Carmen R. Guerrero Pérez  
Director  
Caribbean Environmental Protection Division

Cc: Carolina Jordán-Garcia ([Jordan-Garcia.Carolina@epa.gov](mailto:Jordan-Garcia.Carolina@epa.gov))  
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<sup>1</sup> Pursuant to 7 U.S.C. § 136(mm) the term “antimicrobial pesticide” is defined as a pesticide that is intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.